

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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ADAM HELFAND, CARON HELFAND,  
AND MITCHELL HELFAND,

v.

THE JOHN DEWEY ACADEMY, INC.,  
THOMAS BRATTER, CAROLE  
BRATTER, KEN STEINER, AND  
GWENDOLYN HAMPTON,

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) C.A. No. 04-11800-DPW  
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**JOINT MOTION TO AMEND SCHEDULING ORDER**

The parties, through their counsel, hereby request that the scheduling order in this matter be amended in accordance with the proposed schedule set forth below. As grounds, the parties state that two defendants have encountered unexpected health problems which have necessitated postponement of their depositions until they are sufficiently recovered to be deposed. The delay in these depositions has delayed the transmission of information to the parties' experts. In addition to these unanticipated delays due to health issues, the parties expect that they will submit this matter to non-binding mediation in March or April, 2006. They request that dispositive motions be postponed until after mediation.

In further support of this motion, the parties state as follows:

1. This is an action brought against John Dewey Academy, a private secondary school located in Great Barrington, Massachusetts, Thomas Bratter, Carole Bratter and Kenneth Steiner, who are the senior members of the school's administration and Gwen Hampton, a former teacher and clinician at the school.

2. Plaintiff, Adam Helfand, is a former student at the school. He alleges that he had a sexual relationship with Ms. Hampton while he was a student at the school, and that Thomas and Carole Bratter and Kenneth Steiner negligently hired and supervised Ms. Hampton and negligently supervised the students at the school, resulting in the damages he suffered as a result of his improper relationship with Ms. Hampton. Adam Helfand's parents, Mitchell and Caron Helfand, are also plaintiffs in this action.

3. The parties have conducted written discovery and have taken the depositions of Mitchell Helfand, Caron Helfand, Adam Helfand, Kenneth Steiner and Carole Bratter.

4. Several days before the scheduled deposition of defendant Gwen Hampton, she was involved in a motor vehicle accident. She is currently being treated for post-concussive syndrome. Her treating physician has recommended, in a document provided to all counsel, that she cannot be deposed until her neurologist provides clearance. This is not expected prior to February, 2006. A copy of the letter from Hampton's treating physician is attached hereto as Exhibit A.

5. In October, 2005, Thomas Bratter underwent a cardiac procedure, recovery from which has precluded his being deposed in 2005. He has recovered sufficiently so that his deposition can go forward in February, 2006.

6. The depositions of Thomas Bratter and Gwen Hampton are not only essential to the preparation of this case but also for preparation of reports by the parties' experts.

7. Plaintiffs' counsel, Djuna Perkins, is expected to be on maternity leave from early February to mid-May. Her participation in this case and therefore, this extension of time, is essential to the prosecution of plaintiffs' claims.

8. As indicated above, the parties intend to mediate this matter upon the completion of discovery, the exchange of expert reports and the deposition of each party's expert on the issue of Adam Helfand's psychological damages.

9. Based upon the foregoing, the parties request that the Court's Scheduling Order be amended, as follows:

Completion of all factual discovery and fact depositions:	April 1, 2006
Exchange of psychiatric/psychological expert reports	April 28, 2006
Completion of expert discovery	May 30, 2006
Completion of mediation	June 30, 2006
Status report to Court	July 10, 2006
Dispositive motions filed	July 31, 2006
Opposition to dispositive motions	August 31, 2006
Final Status Conference	September 14, 2006

Respectfully submitted,

THE PLAINTIFFS,  
ADAM HELFAND, CARON HELFAND,  
AND MITCHELL HELFAND,

By their attorneys,

/s/ Djuna E. Perkins

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GWEN HAMPTON

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Dated: December 23, 2005